

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHIEF AUTOMOTIVE SYSTEMS,)	4:97CV3017
INC.,)	
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
JOHN ASTERINO d/b/a)	
N.E. HOLDING CORP., a/k/a JOHN)	
ASTERINO d/b/a NE BANKCO)	
HOLDING CORP.,)	
)	
Defendants.)	

This matter is before the court upon its own motion. Pursuant to a September 26, 2007 order of this court (filing 37), and Plaintiff's compliance with that order (filings 39-41), this court intends to enter judgment for Plaintiff on the finding of contempt on the date that is thirty days from the date of this order.

However, it appears that Defendant may not presently be represented by counsel in this action. On October 4, 2007, and in a related case, case no. 8:07CV058, Magistrate Judge Piester entered an order indicating that counsel for John Asterino had become temporarily disabled and was no longer practicing law and giving Mr. Asterino thirty days to obtain substitute counsel. (Case No. 8:07CV058, filing 40). The same attorney was then counsel of record for Defendant in both this case and the 2007 case. Yesterday, substitute counsel entered an appearance in the 2007 case. (Case No. 8:07CV058, filing 41.) No appearance was entered in this action.

As the court intends to enter judgment for Plaintiff, but it appears Defendant may not be represented by counsel, I will direct the Clerk of the Court to mail a copy of this order and filings 37, 39, 40, and 41 to Defendant at his last known address.

Accordingly,

IT IS ORDERED that:

1. The parties are advised that pursuant to the September 26, 2007 order of this court (filing 37), and Plaintiff's compliance with that order (filings 39-41), the court intends to enter judgment for Plaintiff on the finding of contempt on the date that is thirty days from the date of this order;
2. The Clerk of the Court shall mail a copy of this order, together with copies of filings 37, 39, 40, and 41, to Defendant at his last-known address; and
3. The Clerk of the Court shall provide a copy of this order to Magistrate Judge Piester.

November 6, 2007.

BY THE COURT:

s/Richard G. Kopf
United States District Judge